

REMARKS

Present Status of the Application

The Office action rejected claims 1, 5~9 under 35 U.S.C. 103(a) as being unpatentable over *Hishikawa* (US 6808161 B1; hereinafter “*Hishikawa*”).

The Office action rejected claims 11~15 under 35 U.S.C. 103(a) as being unpatentable over *Hishikawa* in view of *Schneider* (US 5836967; hereinafter “*Schneider*”).

In response thereto, Applicants have amended claims 1, 7, 11, 13 and 15 to more clearly define the claimed invention and respectfully traverse all the rejections on the ground set forth in detail below. Applicants respectfully submit that all the pending claims 1, 6~9, 11~15 are placed in proper condition for allowance, and reconsideration of all the pending claims is respectfully requested.

Response to Claim Rejections under 35 U.S.C. 103(a)

Claims 1, 5~9 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Hishikawa*.

The Office Action describes that “...*Hishikawa* also discloses a semispherical portion (near 33).....engage an underside of a semispherical portion thereby.....*Hishikawa* does not disclose the semispherical portion as outwardly convex. It would have been obvious.....(see point 4 of page3 of the Final Office Action)”

In response thereto, Applicants have amended claims 1 and 7 to more clearly define the

claimed invention and respectfully traverse all said rejections on the grounds set forth in detail below.

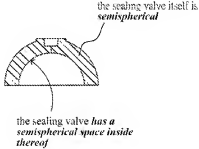
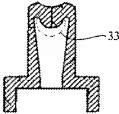
The amended Claim1 recites,

“A sealing valve for a medical apparatus.....

wherein the sealing valve is made of an elastic material to be semispherical itself being directed outward convexly, and the sealing valve has a semispherical space inside thereof and has the valve hole at a top thereof,,

a sleeve portion (30c) of a cap (30) secured to the medical apparatus, the sleeve portion (30c) being arranged to press the sealing valve for the medical apparatus so as to press and hermetically seal the valve hole of the sealing valve for the medical apparatus”(Emphasis Added)

The Applicants further provide following comments,

Claim1 of this application	Hishikawa (US 6808161 B1)
	

(1)Referring to the above Figures, one can clearly knows that in the present application, “the sealing valve itself is *semispherical*, and the sealing valve *has a semispherical space inside*

thereof...” But, in the *Hishikawa*, the sealing valve is *cylindrical shape* and NOT semispherical.

(2) The sealing valve of *Hishikawa* has an underside semispherical portion (near slit 33). Even the “underside semispherical portion (near slit 33)” is changed to an “outwardly convex semispherical portion”, the obtained sealing valve is still totally different from the sealing valve of the present application.

The Applicants consider the technical feature “*the sealing valve ... be semispherical itself being directed outward convexly... the sealing valve has a semispherical space inside thereof*” of claim1 is not disclosed or taught by *Hishikawa*, i.e., *Hishikawa* fails to disclose or teach the above technical feature, person skilled at art can’t obviously obtain the claim1 of the present application. So, the amended claim1 is non-obvious and is patentable over *Hishikawa*.

(3) Moreover, the Applicants provide the following “**comparative table**” to compare the present application with *Hishikawa* for further explaining the technical differences.

[Comparative Table between the Present Invention and *Hishikawa*]

	The present invention	Hishikawa (EP1217284B1)
Overall valve configuration	A valve has a semispherical hollow configuration being directed outward convexly with a valve hole 20b. The valve hole 20b is closed being pressed by sleeve portion 30c.	A valve has a semispherical solid configuration being directed inward convexly with a slit 33 and a cylindrical base 34. The slit 33 is closed when an upper end of the base 34 is pressed by connection port 211 of cylinder 21.

Valve performance of opening and closing	<p>A vicinity of the valve hole 20b turns over to open when a tip end of the syringe presses the valve. It leads good performance of opening in which the valve hole 20b opens widely and securely even with a relatively short pressing stroke of the syringe.</p> <p>Large amount of valve opening is easily designed as relatively large valve inner space allows the valve to become inwardly and sufficiently deformed.</p> <p>The valve hole 20b hardly opens with unintended external force as outer surface of the semispherical valve is pressed by the sleeve portion to securely close the valve hole 20b.</p>	<p>Slit opening is relatively small for a long pressing stroke of the syringe.</p> <p>Insufficient slit opening may occur due to unstable deformation of the base 34 even when the syringe is completely inserted into the connection port 211.</p> <p>Large amount of valve opening is hardly designed as the valve is pressed into the tiny inner space of the base 34.</p> <p>Valve slit 33 begins to open with the principle of leverage when a convex 31 is pressed by the tip end of the syringe. It easily lead unintended valve opening when the convex 31 is pressed by unintended external force.</p>
Performance of valve deformation and restoration	<p>Stable valve deformation and restoration are obtained for semispherical hollow configuration of the valve.</p>	<p>Possible inclined deformation of the base 34 when inserting the syringe leads unstable valve opening and closing.</p>
Downsizing	<p>Downsizing is easy as a required</p>	<p>Downsizing is difficult as a</p>

	valve stroke is easily obtained within an inner low space of the semispherical valve.	long base 34 is essential for a desired amount of valve opening.
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To sum up, the amended claims 1 and 7 are non-obvious. Since independent claims 1, 7 are allowable, claims dependent thereon should also be allowed as a matter of law for they contain all of the limitations of their respective independent claim. In re Fine, 837 F.2d 1071 (Fed. Cir. 1988).

Claims 11~15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hishikawa in view of Schneider.

In response thereto, similar to amendments of independent claim 1, the Applicants have amended independent claims 11, 13 and 15 to more clearly define the claimed invention and respectfully traverse all said rejections on the grounds set forth in detail below.

Since *Hishikawa* and *Schneider* both fail to disclose or teach the technical feature of claims 11, 13 and 15 reciting: "...***the sealing valve ... be semispherical itself being directed outward convexly... the sealing valve has a semispherical space inside thereof***"..., the combination of *Hishikawa* and *Schneider* still fails to disclose or teach said technical feature. The Applicants thereby respectfully assert that independent claims 11, 13 and 15 are patentable over *Hishikawa* and *Schneider*, taken alone or in combination.

Since independent claims 11, 13 and 15 are allowable, claims dependent thereon should also be allowed as a matter of law for they contain all of the limitations of their respective independent claim. In re Fine, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988).

CONCLUSION

For at least the foregoing reasons, it is believed that all the pending claims 1, 6~9, 11~15 of the present application patently define over the prior art and are in proper condition for allowance. If the Examiner believes that a telephone conference would expedite the examination of the above-identified patent application, the Examiner is invited to call the undersigned.

Respectfully submitted,
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